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AND INTERFERENCES

Interference No. 103,765

SLATER

v.

RYDELL

RECEIVED

JUL 23 1998

PINNEGAN, PINNEGAN, PETERSON & GARNETT AND ASSOCIATES

**Decision on Junior Party Slater's Motion for Cancellation of
Claims Designated as Not Corresponding to the Count**

Junior party's motion (Paper No. 41) to amend the involved application by cancelling claims 24-29 is GRANTED. As noted by junior party these claims are designated as not corresponding to the count, and thus have been held by the PTO as directed to a separate patentable invention from the subject matter in interference. As such, the senior party's opposition is unconvincing. The designation of the claims as not corresponding to the count, presupposes that they could have been developed independently from the subject matter of the count, and a

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Interference No. 103,765

decision on priority with respect to the subject matter in interference is completely independent of the patentability of the subject matter of claims 24-29.

A handwritten signature in black ink, appearing to read 'W. F. Pate, III', written in a cursive style.

WILLIAM F. PATE, III
Administrative Patent Judge

Interference No. 103,765

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